THE DIAL

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TOPICS IN JANUARY PERIODICALS
BOOKS OF THE MONTH

WALT WHITMAN.

The highest ethics is never conventional and the noblest seer is ever over-possessed. Suitable occasion for the one or language for the other has never yet been found. Plato and Shakespeare and Browning were all men born out of due time, little appreciated by those of their own generation, and only gradually interpreted by those who came after. They took the measure of a new world of the future, and smaller men but painfully come to their larger The nineteenth century has offered men a new world, not in the future but about them. The progress of the race within this century has surpassed all that ever came before. But in the new world of America, especially, has the century found an expansion truly colossal. The vast reaches of territory - the grandeur of scene in forest and prairie, in mountain and water features - the electric atmosphere, breeding rush and unrest - the rapid appropriation of nature's bounty through a phenomenal increase of population-all have made an environment for the poet absolutely unparalleled hitherto. If the trammels of convention and of style would sit loosely anywhere, it would be here. We might almost expect the poet, with a large range of vision added to a new enthusiasm for humanity, and overpossessed by the great ideas thronging in upon him, to account of little importance canons of old-world proprieties and poetics. Impatient for the good time coming, which his clear vision can best see, he may be expected to give little heed to the forms set forth for him, metrical, rhetorical, or conceptual, intent only upon the content of his message to mankind.

Such an one was "the good gray poet" whose message is now all before us. It is fitting to ask once more what this message is. For those who maintain that his writings are pernicious, and fit subjects for "the Index," we have no argument. They are either the ignorant who will not read him and are content to repeat parrot-like what they have heard about him, or prigs who cannot or will not understand him. To those who challenge his form, rejoinder may be made by those who love their "Beowulf" as well as their "In Memoriam," and are at home in literature regardless of time or place, that the poet who could use nineteenth-century rhythm superbly, as in "My Captain" and other poems, in the main reverted to a type which is found in nearly all early literatures. It is not the best that the present age can furnish us, but a poet has all the past for his treasure-house.

But more than the freedom to express his thoughts in his own way is claimed for Walt Whitman. The basis of English poetry, as of English life, has always been ethical. Beauty of form came to us sparingly with the Norman Conquest, and bountifully with the Renaissance; but away back in Beowulf-lay and song of Cædmon and battle-chant of Brunanburh lie revealed the springs of literary motive. From that day to this "a profound and serious conception of what makes man great, if not happy, of what his duty exacts," has made the undercurrent of the best English song, and its highest rapture has been that of those who have " advanced true friends and beat down baffling foes." It is because this undercurrent runs deep and strong through the poetic writings of Whitman, because they pulsate with this rapture, because they embody a prophetic imagination, that his admirers forget the aberrant

forms, the occasional catalogues, the lack at times of poetic selection, and hold that he will one day be given a large place "on fame's eternal camping-ground." Those best appreciate his poetry who are familiar with the commentary furnished to it not only by his prose writings but also by his life — that life which became a physical wreck through heroic devotion to lowly duty with naught of poetry in it except such as his spirit brought. But all who read in the same spirit in which they read their Tennyson or their Browning, may discover in "Leaves of Grass" the permanent elements of poetic value which won the high praise of Emerson and Thoreau and Stedman, of Ruskin and Sir Edwin Arnold and Freiligrath.

The fatherhood of God, the brotherhood of man, the absolute worth of every human life, the high responsibility of every soul because of its possibilities and the possibilities of every other soul, the value of the material only as contributing to and realizing the ideal, the cosmic plan including all that occurs, the grand opportunities which America offers to the poet, the prophet, the reformer,— all this and more is unfolded from Whitman's central and complementary ideas of personality and universality. In his opening pages he sings:

"Chanter of Personality, outlining what is yet to be, I project the history of the future."

"Of Life immense in passion, pulse, and power, Cheerful, for freest action formed under the laws divine, The Modern Man I sing."

"I know I am deathless,
I know this orbit of mine cannot be swept by a carpenter's
compass."

"I know I am august,
I do not trouble my spirit to vindicate itself or be understood,
I see that the elementary laws never apologize."

"I celebrate myself and sing myself,
And what I assume you shall assume,
For every atom belonging to me as good belongs to you."

"I do not ask who you are, that is not important to me,
You can do nothing and be nothing but what I will infold
you."

So he passes out from Personality to Universality. Whitman makes no more of the Bible than of other great literatures, but one might almost suppose that he had chosen as companion texts, "All things work together for good to them that love God," and "What God hath cleansed make not thou common." That divine compassion which found its most perfect expression in Jesus of Nazareth seems to have been born into our poet with his Quaker blood, and largely sanctifies the most gro-

tesque expression, even to the "barbaric yawp," of this modern friend of publicans and sinners.

"I am he attesting sympathy.

"I am not the poet of goodness only, I do not decline to be the poet of wickedness also.

What blurt is this about virtue and about vice?

Evil propels me and reform of evil propels me, I stand indifferent."

" My spirit has passed in compassion and determination around the whole earth,

I have looked for equals and lovers and found them ready for me in all lands,

I think some divine rapport has equalized me with them."

"Not a mutineer walks handcuffed to jail but I am handcuffed to him and walk by his side.

I am less the jolly one there and more the silent one with sweat on my twitching lips."

But lest these very quotations misrepresent him, taken from their context, let us recall that he says, "Only the good is universal." Probably the best expression of his whole thought is the "Song of The Universal," in which that line occurs. No one should express an opinion about Whitman until he has read and re-read every line of that superb ode, in which he seems the very impersonation of a universal Zeit Geist. A few lines must suffice for citation.

"In this broad earth of ours,
Amid the measureless grossness and the slag,
Enclosed and safe within its central heart,
Nestles the seed perfection.
By every life a share or more or less,
None born but it is born, concealed or unconcealed, the seed
is waiting."

"And thou America,

For the scheme's culmination, its thought and its reality,
For these (not for thyself) thou hast arrived.

"Thou too surroundest all, Embracing carrying welcoming all, thou too by pathways broad and new, To the ideal tendest.

"The measured faiths of other lands, the grandeurs of the past, Are not for thee, but grandeurs of thine own, Deific faiths and amplitudes, absorbing, comprehending all, All eligible to all.

"All, all for immortality,
Love, like the light, silently wrapping all,
Nature's amelioration blessing all,
The blossoms, fruits of ages, orchards divine and certain,
Forms, objects, growths, humanities, to spiritual images
riening.

"Give me O God to sing that thought,
Give me, give him or her I love, this quenchless faith
In Thy ensemble; whatever else withheld withhold not
from us
Belief in plan of Thee enclosed in Time and Space,
Health, peace, salvation universal."

Whitman is to us the positive and constructive expression of that negative and destructive spirit which soared into genius in Shelley. The one, the revolutionist, borne down by the

social and political conventions against which his revolt beat undiscerningly, would, we fear, have brought in a pernicious license and even anarchy in place of the customs he aimed to throw down. The other has mastered the greatest truth that nineteenth-century science has given us, and has found his amulet against present pessimism, as well as his lodestone for the future, in the principle of Evolution. His practical love of humanity has preserved his sanity, and turned for him Pope's fatalistic line into

Whatever is must be made right.

Unlike Shelley, he has a philosophy of life which admits no grievance as a motive-power of his verse. At peace with all mankind, he is intolerant only of wrong-doing, and has naught but love and an uplifting hand for the sinner. A John the Beloved among men, an Isaiah among seers, an eaglet among the nightingale singers, this simple, heroic, stimulating personality has brought to his America a message whose best expression will hereafter share the laurel-wreath only with the words of Emerson and of Lowell.

JOHN J. HALSEY.

FREEMAN'S HISTORY OF SICILY.*

To students of history, as well as of archæology, Sicily presents conditions and problems of peculiar interest. Although an island, both in shape and in the distribution of natural features it has many of the characteristics ordinarily associated with a continent. Too large to be without independent life, yet lacking the conditions essential to the maintenance of political independence, it has been the battleground of races and nations since the dawn of Sicanians, Sicels, Greeks, Carthaginians, Romans, Saracens, and Normans, have here striven for the mastery, in the earlier instances through the slower processes of immigration and settlement, later through the more rapid processes of armed invasion. cessive civilizations have left their deposits one above the other, like geological strata. On the terrace at Syracuse rock-hewn graves of a prehistoric people are mingled with tombs of the Hellenic period; down in the island, the ancient acropolis, the present cathedral is built into and upon a Doric temple. At Palermo, in the museum Phœnician sarcophagi divide attention with the famous metopes from Selinus, with Greek terra-cottas and vases, Roman mosaics, Arabian vessels, and mediæval carvings, nearly all gathered from the western part of the island; the palace chapel is in the Norman style, while the south portal of the cathedral shows unmistakable traces of northern Gothic. This juxtaposition of survivals from different periods sometimes startles the traveller; but the ethnological and historical facts illustrated by them form no isolated group. The history of Sicily at every stage is intimately connected with the destinies of the continents on either side, Europe and Africa. Rightly interpreted, it will furnish a clue to many important historic movements, and reveal a nexus, a thread of relation, between events apparently far sepa-

In view of these facts it is not strange that this subject should possess strong attraction for the most broad-minded historian of our generation, the man who is equally at home with the Achæan League, the Norman Conquest, and the English Constitution. We learn from the preface that Professor Freeman has cherished the project of a history of Sicily for many years; that these two volumes are the forerunner of others which will carry the narrative down at least to the death of Frederick, in the year 1251; and that he has handled the subject from the standpoint of universal history, the treatment we should expect from and the the author of "Comparative Politics" well-known lecture on "The Unity of History." The first volume presents at the outset an extended statement of the characteristics of Sicilian history, in which the author's rare power of generalization shows to excellent advantage. The three remaining chapters treat of the island and its earliest inhabitants, and the settlements of the Phœnicians and Greeks. The second volume traces out the course of events from the close of the period of Greek colonization down to the beginning of Athenian intervention in Sicilian affairs, from 735 to 433 B.C. The involved and confusing data of this important period are clearly grouped and treated in three chapters, on the first age of the Sicilian Greeks, the first wars with Carthage and Etruria, and "Sicily Free and Independent."

There is no lack of monographs on special points of Sicilian history. For the periods covered in these two volumes, the reader has access not only to full sections in several works of a more general character, but also to a special treatise of high merit, Holm's "Geschichte

^{*} The History of Sicily from the Earliest Times. By Edward A. Freeman, Hon. D.C.L., LL.D. Volumes I. and II. Oxford, At the Clarendon Press. New York: Macmillan & Co.

Siciliens im Alterthum." Yet our author has taken no conclusions for granted. Every chapter reveals a painstaking and accurate use of original authorities. While familiar with the recent literature of the subject, and freely acknowledging his indebtedness to it, he has left on the work as a whole the stamp of original research and independent judgment. It was not to be expected that he could bring to light any large number of new facts. No important sources of information have become available since the publication of Holm's work, with the exception of some details on the topographical and archæological side. Nevertheless these volumes mark a noteworthy advance on anything previously written in the same field. This is due especially to three things: the author's breadth of view, his familiarity with Sicilian topography, and his power of historical discernment and interpretation.

In these days of extreme specialization, when as a rule each investigator confines himself within narrow limits and dares not express an opinion on anything outside, it is a pleasure to find a work viewing the field of the specialist from the horizon of the general reader. A well drawn analogy may not prove anything, but in history particularly it can hardly fail to be instructive and valuable. So in this instance, while we are viewing "the eternal Eastern question" as it stood in the days when Greek and Persian or Greek and Carthaginian strove for victory, we are brought face to face with the same question as it is to-day. We are constantly reminded of the analogies between Greek, or Phœnician, and modern colonization; we are led to see how the history of Sicily has been repeating itself over and over again, and eatch glimpses of the operation of similar causes under different conditions. This broad treatment of the subject, dangerous for a less scholarly writer, has previously been attempted by no one.

Even if the author did not so state in his preface, it would be clear that large portions of his work were written "on the spot." In no other way could they have received so strong a local coloring. Probably no man knows more about the topography of Sicily as a whole than does Mr. Freeman. Anyone who has stood on the height of Girgenti, or traversed the sites of Syracuse or of Lilybæum, will bear witness to the accuracy and graphic power of his descriptions of places. But the highest merit of the volumes before us, after all, lies in the skilful interpretation of the meagre facts of

early Sicilian history - the careful analysis of myths and traditions, the balancing of contradictory statements, in a word, the application of constructive as well as destructive critical method to obscure and intricate problems. It is not too much to say that, though the material has been worked over many times, Professor Freeman throws new light on almost every important question. A good case in point is the discussion of the relation of the Sicels to the Sicanians, in the first volume. Holm maintained ("Geschichte Siciliens," Vol. i., p. 59) that these two peoples were identical. Freeman, although agreeing with the commonly received view that the Sicels were closely connected with the Latins, has put the case for a different origin of the Sicanians more cogently than it has ever been stated before. This has led Holm to admit (in "The Classical Review" for November, 1891, p. 423) that his former hypothesis is no longer tenable. In this, as in many similar cases, the examination of points involving much technical detail is wisely relegated to appendices.

In a work so free from larger faults in matter and method, it is perhaps ungracious to point out minor imperfections. The clear, vigorous style of which Professor Freeman is so thorough a master tends easily to overstatement, and occasionally leads to greater positiveness of assertion than the facts will warrant. We read (Vol. i., p. 134): "The Sikel learned to imitate or adopt, as far as artistic character went, the beautiful coinage of the Greek; but the Greek stooped to borrow names for his coins from the Sikel, and to adopt the system of weights and measures which the Sikel had brought with him from Italy." Here we have an interesting series of hypotheses, yet only hypotheses, set forth in the language of ascertained fact with a positiveness which even the more carefully stated appendix fails to justify. Equally misleading is the statement about the "newly invented Ionic capital" (Vol. ii., p. 409), mentioned in connection with the small prostyle-tetrastyle temple on the acropolis at Selinus. Now and then the author's fondness for a striking statement betrays him into needless repetition; thus in different places the attention of the reader is several times directed to the significant tradition that the battles of Himera and Salamis were fought upon the same day. These, however, are only slight blemishes. They will not seriously affect the value of the work.

FRANCIS W. KELSEY.

COMPARATIVE CONSTITUTIONAL STUDIES.*

The English translators of M. Boutmy have been the means of introducing to the Englishspeaking world two epoch-making books. That the critical Frenchman is a frank and unprejudiced foreigner is not alone a voucher of ability to criticise English or American institutions entertainingly. But when with frankness and freedom from prejudice, we find a careful examination of the sources of historical information, a love of comparative constitutional study, a ready observance of the constitutional features of great historical and ethnical changes, the power to lucidly explain them, and the capacity of seeing defects in the institutions of his own land, we recognize the elements of a welcome commentator. The English Constitution of which he treats in the first book on our list is not alone a political concept, but it has its social and economic phases, all which are closely observed. American readers will note with especial interest that the people are an essential element in this Frenchman's idea of the State. The English system which oppressed or even disregarded the people was fatuous in itself, and change was inevitable. The oligarchy into which the country gentlemen of the seventeenth century developed is freely censured by a not unsympathetic critic, whose last thought in this essay is of the new life which "must quicken the freshly moulded clay of the English democracy."

The conservative character of the great revolutions in England does not escape M. Boutmy.

The Great Charter simply preserved ancient

* The English Constitution. By Emile Boutmy. Translated by Isabel M. Eaden. New York: Macmillan & Co. Studies in Constitutional Law: France, England, United States. By Emile Boutmy. Translated by E. M. Dicey. New York: Macmillan & Co.

THE SUPREME COURT OF THE UNITED STATES: Its History and Influence in our Constitutional System. By Westel W. Willoughby. Baltimore: Johns Hopkins Press.

THE LEGISLATURES AND THE COURTS: The Power to Declare Statutes Unconstitutional. By Charles B. Elliott, Ph.D. Boston: Ginn & Co.

STATE AND FEDERAL GOVERNMENT IN SWITZERLAND. By John Martin Vincent, Ph.D. Baltimore: Johns Hopkins Press.

THE SWISS REPUBLIC. By Boyd Winchester, late U. S. Minister at Bern. Philadelphia: J. B. Lippincott Co.

THE CONSTITUTIONAL DEVELOPMENT OF JAPAN, 1853-1881.
By Toyokichi Iyenaga, Ph.D., Prof. of Political Science in Tokio Senmon-Gakko. Baltimore: Johns Hopkins Press.

THE COMMUNES OF LOMBARDY from the VI. to the X. Century. By William Klapp Williams, Ph.D. Baltimore: Johns Hopkins Press.

THE RIGHT OF THE STATE TO BE: An Attempt to Determine the Ultimate Human Prerogative on which Government Rests. By F. M. Taylor, Ph.D. Ann Arbor: Privately Printed.

rights. Its great strength for the future lay in "its influence on the imagination." In the revolutions of 1648 and 1688, no new political machinery had to be created, no great changes to be effected, no recognized privileges to be done away with. "All that was necessary was already in existence, all that was lacking was the will and skill to start the machine," and for this competent managers appeared. No cyclone like the French Revolution was ever needed in England, where the evolution of the constitution was always gradual, and where, "as far back as the sixteenth century, those essential reforms were enjoyed which France was still looking for in 1789."

In a rapid but not hasty review, Boutmy traces the growth of the English Parliament, illustrates the mode of formation of its two houses, and shows how the practice of the church in withdrawing its priesthood from the lower house prevented it from sharing in the new powers which that house gradually began to exercise, and left the clerical order all unfitted as well as unprepared for the contest with Henry VIII.; England, though a nation of religious people, thus practically relegating the clergy to a non-political life.

How the yeomanry of England disappeared as they yielded to the influences which led them to sell their lands, how the country gentlemen, acquiring lands by purchase, and laying field to field, abolished the farms and small holdings and became a landed oligarchy, the possessors of great estates, and the virtual dictators of England,—all this is described by Boutmy as an agrarian revolution. This social change had its effect upon the political constitution. The County Magistracy, passing into the hands of the landed gentry, became an "Absolutism shielded by impunity." The parish organizations, retaining their name and form, lost their ancient function of local government. "When the nineteenth century began, it was no longer popular self-government by parishes, but aristocratic self-government by counties, which handed on the name and tradition of local liberty." These economic changes are traced down to the Reforms of 1832, when a new era begins, transitional, and still progressing.

M. Boutmy's essay is too brief to be exhaustive or to serve as the single sufficient commentary on the English Constitution, but it will prove suggestive to other essayists and commentators. Its rough frankness may be unwelcome to English readers. The eminent Sir Frederick Pollock does not, however, hesitate

to furnish it with a kind Introduction to the English-reading world, and to say that it deserves a welcome as filling a place not yet oc-

cupied by any British treatise.

For the same author's three "Studies in Constitutional Law," Professor A. V. Dicey stands sponsor to English and American readers, inviting attention to the novel point of view occupied by the essayist. In these papers, the British and American constitutions, on their political side, are compared with each other, and their fundamental principles are contrasted with those which govern French political thought. That the essayist addresses himself to a French audience, does not detract from the value of his views to Anglo-Saxon students. With admirable perspicacity, he has seen and he emphasizes most of the distinctive characteristics of British and American constitutionalism. It is plain to him, and he industriously tries to make his fellow countrymen see, that our constitutions, on both sides the sea, are a growth rather than a creation, a characteristic differentiating them from French examples. The conservatism of our constitution-makers is clearly illustrated. "The English like the idea of a narrow path reaching far back into antiquity, in which they see the centuries of their national life ranged in a long vista, one behind the other. The English Constitution is strangely marked by this turn of mind. Historical descent is the very soul of it, just as an ideal fraternity has always been the soul of the French constitution." The history of the English Constitution is a record of conflicts and struggles, closed by treaties and compromises. The same feature is found in the American system, and it is the great assimilating characteristic of these two systems, one unwritten and the other written. Furthermore, the essayist rightly treats the American constitutions, Federal and State, as parts of one general system, to understand which it is necessary to study more than the text of the Constitution of the United States. He regards our political system as "democratic to the very core," while the English is "entirely aristocratic in its construction." But the American democracy is still radically unlike its French copy. France attempted to build its modern system on the ruins of an effete despotism; but in the United States, democracy "came into existence peacefully, in a world without a past." "The striking and peculiar characteristic of American society is," says M. Boutmy, "that it is not so much a democracy, as a huge commercial com-

pany for the discovery, cultivation, and capitalization of its enormous territory."

But it is no injustice to the brilliant Frenchman to say that he sees more than he understands. He fails to comprehend the exact value of that Anglo-Saxon conservatism in constitutional affairs, for which he entertains so great a respect, and some of the advantages of which he so highly appreciates. His chief encomium upon the English system, with its elasticity of action and indefiniteness of expression, is, that patriotism is thereby promoted; "the people are called upon to watch over this ark of national institutions, which has purposely been deprived of all means of defense but the strength of custom and the wisdom of public spirit." He regards the Revolution of 1689 as extrarevolutionary, the debates over ancient precedents seeming to him ludicrously out of place, the nation acquiring rather than preserving liberty, and "changing the immemorial customs of the kingdom"; the circumstance being unnoticed that the Anglo-Saxon crown was originally elective. So, in America, he fails to understand the exact position of the several states under the Confederation and prior to the adoption of the constitution of 1789, and insists that the American people is "an artificial element, and so to speak, created from above," that is, by the constitution; that "it is not the nation which made the constitution, but the constitution which created the nation." He also thinks that he has discovered that the American system of full religious liberty was designedly adopted by us for the purpose of attracting to these shores emigrants of all religious sects from the Old World.

The difficulty in the way of M. Boutmy's fuller understanding of the Anglo-Saxon constitutional temperament is probably racial. One must have lived with a people to know, accurately and sympathetically, its spirit. Even an Englishman, like Mr. Bryce, must visit America to become fully acquainted with our institutions. With all his keenness of intellect and broadness of views, M. Boutmy's prime ideas of constitutions conform to the French model. He says: "The type of a French constitution is an imperative law, promulgated by the nation, calling up the hierarchy of political powers out of chaos, and organizing them." Admirable and forcible as is this figure, it presents a theory impossible of realization. individuals who compose the nation have all the frailties and incapacity which human nature can exhibit, and the average of the political

capacity of these individuals will measure the capacity of the nation to frame and promulgate such an "imperative law." No nation can successfully create an ideal constitution, of the French "type," until it has been educated into the adequate political capacity. Anglo-Saxons build their constitutions gradually, while they are acquiring their political education. Customs are necessarily taken into account; experience is the inevitable teacher; the importance attached to precedents is but natural; disputed ground is conquered and held; and many a constitutional principle is a monument erected on a political battle-ground. The French ideal demands a philosophically complete constitution, to be launched as the perfect ship of state upon the sea of the political cosmos. The Anglo-Saxon ideal is satisfied with the constitution which the people build for themselves as they live and learn; it aims only to present and preserve "the fixed political habit of the people." The difficulty with French constitutionalism has been that its provision for the people was above and beyond what the people were fitted for. The Anglo-Saxon constitution will have its infancy, youth, and maturity, just as individuals do. The French philosopher who will not demand that either a man or a · constitution shall be born into the full vigor of mature age, will be able to better understand the genius of American democracy, to see why the American people, in framing their constitutional system, introduced so many devices and features which M. Boutmy characterizes as anti-democratic, and to appreciate the actual value of our peculiar federal system of division of governmental powers, our inherited conviction of the necessity of religious freedom, and the ready way in which the sovereign people either exercises its sovereignty or delegates such exercise to its appointed agents.

The part which the Supreme Court of the United States has played in the successful operation of the American constitutional system is set forth, with some amplification, in the summary presented by Mr. W. W. Willoughby, which forms an extra Johns Hopkins volume. In his "Constitutional History," Prof. Landon gave some attention to this subject; but Mr. Willoughby has elaborated it with more fulness, and its presentation in a separate volume will be of convenience to students of the subject, for whose use this monograph is best adapted. The inception of this high court—or, rather, the ideas which suggested and developed into it—being noted, the essayist then

illustrates the relations of the court to the coordinate branches of the government and to general politics. The two chapters which treat of its power and authority over legislative acts which contravene the constitution are of especial interest, and are the kernel of the essay. The origins and early growth of the American system by which the courts keep the legislatures within the constitutional limits, which are briefly referred to by Mr. Willoughby, are made the subject of Prof. Elliot's pamphlet, which is on the present list, and in which this peculiar power of our courts is examined more at length, is compared with foreign systems, and is vindicated from the strictures of its critics. Whosoever may fear the influence of this power in our national system will be reassured by reading this essay, which, though written by an advocate to sustain his thesis, is yet calm in tone and convincing by its candor.

These cheering comments on the novel features of our judiciary recall the pessimistic doubts of M. Boutmy, in his "Studies in Constitutional Law" before referred to:

"It is one of Blackstone's maxims that in every constitution a power exists which controls without being controlled, and whose decisions are supreme. This power is represented in the United States by a small oligarchy of nine irremovable judges. I do not know of any more striking political paradox than this supremacy of a non-elected power in a democracy reputed to be of the extreme type. It is a power which in strictness could, by virtue of an authority now out of date, perpetuate the prejudices of a past age, and actually defy the changed spirit of the nation even in political matters."

This extract shows how far the ability to imagine and appreciate the "ideal fraternity" of a pure democracy according to the French model may fall short of capacity to understand a representative democracy in actual operation. The doubts urged by M. Boutmy are dissipated by the timely suggestions of Mr. Elliott's essay. The American people have been educated by centuries of practice into a mode of self-government by chosen representatives, a "fixed political habit" into which their "nine irremovable judges" were born; and the people, in all emergencies, feel "that if the law could but be discovered, it must necessarily be sufficient for their protection." So "the law courts become the pivots upon which the constitutional arrangements turn," and these are the people's courts, erected by themselves and officered by men sprung from and educated with the people. To use the concluding words of Mr. Bryce upon this same subject, in his "American Commonwealth": "To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend."

Switzerland, as the best example in modern history of the continued preservation by a people of their free institutions, furnishes the broadest basis for comparison with the American constitutional order. It was a gracious recognition of the success of our system, when in 1848 the mountaineers of the Alps gave up the attempt of centuries to perpetuate a league of small free states, and organized themselves into a Federal Republic. Their amended constitution of 1874, assimilating them in some respects more closely to the American model, readily became the leading object of American scrutiny, when the approaching centennial of our constitution awoke the new zeal for institutional study. Several translations of that constitution having been published in this country, followed by numerous magazine articles illustrative of Swiss political methods, public interest will now be aroused to welcome the two elaborate treatises whose titles are given in the foot-note. Both these authors write con amore. Mr. Winchester has the advantage of several years' official residence in Switzerland; while Mr. Vincent writes at Johns Hopkins University, surrounded by the volumes of the Bluntschli Library, which open to him their wealth of historical and constitutional suggestions.

The political status of Switzerland, as here unfolded, must enlist the sympathy of all Americans who may read either of these volumes. Through the disciplinary experiences of centuries, her independent cantons have advanced to the point of adopting Federalism, though still hesitating to assume the extreme position held by American nationality. Local or cantonal self-government yields to the Federal authority only so much of power as is extorted by necessity. The constitution of 1874 created a Federal Supreme Court, which lacks much of the measure of jurisdiction given to the American tribunal, one marked distinction being that the power to declare a law unconstitutional is wanting, and the Federal Legislative Assembly remains the judge of the question of constitutionality. The spirit of Alpine democracy holds fast to that peculiar institution, the Referendum, and under this new constitution its operations have been extended to Federal legislation. This novel application of a democratic principle is being watched closely by constitutionalist students, both in and out of Switzerland; and, no serious objections to its operations there having been developed, there are not wanting advocates of a more general use of the *Referendum* in America than has been our custom.

The history of Swiss democracy begins with the Perpetual League of 1291 between the three Forest Cantons which had not even then achieved their independence, their pact confirming them in obedience to their overlord, and in submission to appointed judges, provided such judges were neither imported nor corrupt. The accomplishment of independence, and the progress toward nationality, as portrayed in these treatises, have all those elements of romance which are inherent in the very thought of the Switzer's free life. The two volumes are so dissimilar in arrangement that they supplement each other, and may well be read together. Mr. Vincent's work is the smaller and more compact of the two, more summary in form, and more ready of reference. Mr. Winchester, more diffuse in style, and less pure in diction, is more full in details, and his pages abound in descriptions of manners, customs, and ceremonies. Especially interesting are his description of the Landsgemeinde, the ancient popular assembly of the Forest Cantons, and his account of the operations of the Referendum. In economics, he has chapters on Education, Technical Schools, Industry, and Com-Then, going beyond the dry sciences, he has consulted the popular taste in describing at some length the peasant home-life and the natural scenery of Switzerland. Without the fear of John Fiske before his eyes, he wages a knightly warfare in support of William Tell as a historic personage. He finds confirmation strong of the Tell legend in the very air and scenery of the Lake of Uri, in the local traditions, and in the loving credence with which the Swiss still hold to the legend; the widespread pride in the record of Tell's patriotism and heroism being, in his view, an integral part of the Swiss national character.

Dr. Iyenaga, a Professor of Political Science in Japan, contributes to the Johns Hopkins series a monograph, in which, in a few picturesque touches, he sketches the circumstances which led up to the recent establishment of a constitution in Japan. The movement proceeded on lines both political and non-political. The visit of Commodore Perry, in 1853, with his war vessels and a demand for commercial intercourse, awoke Japan from the lethargy of

ages. There was "a spontaneous agitation of the whole body politic when the nation was irritated by the sudden contact with foreigners." Politically, this agitation caused an investigation into the government of the Shogun, resulting in the overthrow of that venerable despotism and the return of the Emperor to personal power. Socially and industrially, as well as politically, it provoked individual activity and thus led to individual independence. Religious and literary revivals assisted. Foreign examples, once observed, proved contagious. The idea of representative government did not spring forth like Minerva, full panoplied; it grew from the foundation of voluntary conferences of the leading men of the empire, but it grew so rapidly that in 1881 the Emperor's proclamation promised the establishment in 1890 of that parliament which has just placed Japan in the category of constitutional governments. Dr. Iyenaga has evidently made much study of comparative constitutionalism, and he is fully committed, by his observation of this oriental example, to the view that the idea of free representative government is not the property or birth right of any race or nation, but that the seed of that government "is implanted in the very nature of human society," and that when the necessary conditions obtain in any nation, "when the military form of society transforms itself into the industrial, then the representative idea of government springs forth naturally and irresistibly, and no tyrant, no despot, can obstruct the triumphal march of liberty." Such enthusiasm for freedom must greatly influence the generation of young Japanese who are under the instruction of Iyenaga in the Tokio Semnon-Gakko.

Dr. Williams, in his brief account of "The Communes of Lombardy," traces quite clearly, and with much fulness of explanation, the progress of the cities of Lombardy, from their origin as Roman municipia, through the eras of Lombard conquest and Frankish dominion, to the tenth century, when the cities began to assume their modern form of independent au-He dismisses the idea that this tonomy. autonomy was an inheritance direct from the municipium. The Teutonic hatred of city life led the Lombards, like their Teutonic brethren who conquered other lands wherein cities had grown up, to abolish municipal government and make the towns tributary to the larger territorial governments of the great overlords. The autonomy of the cities, thus lost, was regained only by means of the constitutional changes which lapse of time wrought. Many elements combined in building up the new independent life of the cities. The church did its part; it furnished, at an early day, the only asylum for those oppressed by the tyranny of the overlords, and the location of the large and influential churches in the cities thus aided the growth of the latter. Bishops and churchmen by degrees became judges of the plaints of burghers and peasants. The privilege of selecting municipal judges, at first a privilege only, grew to be regarded as a right. Gradually the city came into prominence as an organic part of the state. Thus it was the natural development of institutions which originated in convenience and expediency, that restored the Italian cities in time to a degree of independence exceeding that which the Lombard invasion destroyed. The beginnings only of this development are traced in Dr. Williams's pamphlet.

The thesis of Professor F. M. Taylor, of the University of Michigan, which has been privately printed, is an original examination of the problem of "The Right of the State to Be." The subject is severely and perhaps exhaustively analyzed; the paper, after some useful preliminary definitions, proceeding to discuss, step by step, "The Reality of the Problem" and "The Problem Defined," then to criticise the various "Previous Solutions of the Problem," all stated in a minute analysis, after which the author's theory is first stated, and then by a few brief arguments confirmed. He attributes the ultimate human prerogative of government to collective man, or to man as organized in a community. This is not the simple community theory. The departure from that theory is insisted upon. Society, or community, as such, can have no prerogative to govern, for "Society is only an abstract or thought totality." It is only to individual man that the prerogative can be attributed of coercively insisting upon a conformity to the jural order. Primarily, therefore, "adequate prerogative coercively to maintain the jural ideal belongs to every person." But secondarily and practically, the prerogative is to be exercised and the coercion applied by collective man - i. e., the bulk of those persons acting together-because they are better fitted to the duty than is any one individual or any less number. In other words, "the prerogative of associated man is higher than that of man acting in isolation," and is "the highest of all possible human prerogatives." This idea of "associated man," as distinguished from "community," indicates the advance taken by the author's theory. The advantage claimed is that of basing the governmental prerogative on the absolute rights of man, as man. "While the prerogative of men acting separately is high, and that of men acting in private association is higher, that of men acting through the community is highest of all." The community theorist may say that this is but stating his view in another form. But if a larger number can agree upon the theory as newly stated, this will abundantly justify the attempt at new definitions, conceding that this is all the essayist has in fact aimed at. In concluding his thesis, he argues in confirmation of his theory that it, more satisfactorily than any other, explains the historical problems of (1) assertions of the right of private justice, (2) the hero, or the beneficial exercise of despotic power, (3) the right of revolution, (4) the rightful use of force in government, and (5) diversities in the forms of just government.

JAMES O. PIERCE.

CARSON'S HISTORY OF THE SUPREME COURT.*

As this is the first published history of the United States Supreme Court, it is unfortunate that it is not in a more readable shape. Very few persons, we fear, will ever turn the pages of this huge and unwieldy volume, unless to look at the pictures. And yet it is full of matters of interest, not merely to the lawyer, but to every student of the history of our national government. The work is divided into three parts. The first part is occupied with a sketch of the abortive attempts to form a Federal court by the Revolutionary and Confederate governments. The second part gives an account of the various plans for a national judiciary presented to the Constitutional Convention, and the discussions which led to the adoption of the article on the judiciary, and the debates in Congress on the Judiciary Act of 1789. The third part contains a history of the Supreme Court, chronologically arranged, with sketches of the lives of the judges; and portraits of the judges, etched by Max Rosenthal and Albert Rosenthal of Philadelphia.

Perhaps there is nothing more interesting or instructive in this volume than the case of the sloop "Active." It illustrates in a striking and dramatic way the contrast between the weakness of judicial proceedings under the Revolutionary government, and the strength of such proceedings under the Constitution. The sloop was condemned as a prize by the State Admiralty Court of Pennsylvania. An appeal was taken by Gideon Olmstead to Congress, and the Standing Committee of Appeals reversed the decision of the State court. The State court refused to recognize the authority of Congress. and thereupon the Committee declared that they were unwilling to resort to any summary proceedings, lest consequences might ensue dangerous to the peace of the United States. After the adoption of the Constitution, Olmstead filed a libel in the District Court for the district of Pennsylvania, and obtained a decree in his favor. After the decree, the Legislature of Pennsylvania passed an act requiring the holder of the prize money to pay it over to the State, and for the protection of such holder against any process issuing from a Federal court. Thereupon Judge Peters, of the District court, refused to grant an attachment. Olmstead then applied to the Supreme Court for a mandamus to compel Judge Peters to execute the decree of his court, which was granted.

"Service of the attachment was resisted by the State militia under General Bright, who had been called out by the Governor, under the sanction of the Legislature. The Marshal retired, naming a day for the service of the warrant, and summoned a posse of two thousand men. The Governor appealed to President Madison, begging him to discriminate between factious opposition to the laws of the United States, and resistance to the decree of a judge founded on a usurpation of power, but Madison replied that he was not only unauthorized to prevent the execution of a decree of the Supreme Court, but was specially enjoined by statute wherever any such decree was resisted to aid in its enforcement. The State then beat a retreat. The Legislature appropriated money to pay the decree, and Olmstead, after a struggle for justice which had lasted thirty years, obtained the fruits of his valor. But the conflict had not ended. General Bright and his men were brought to trial, for forcibly obstructing Federal process, before Mr. Justice Washington, and after a sharp contest were convicted and sentenced to fine and imprisonment. These were remitted by the President on the ground that the prisoners had acted under a mistaken sense of duty, but the priceless principle had been established that the Constitution and laws of the United States were the supreme law of the land, and that the judges in every State were bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." (P. 214.)

So little business came before the Supreme Court during the first years of its existence

^{*} THE SUPREME COURT OF THE UNITED STATES: Its History, by Hampton L. Carson, of the Philadelphia Bar; and ita Centennial Celebration, February 4, 1890. Prepared under the direction of the Judicial Centennial Committee. Philadelphia: John Y. Huber Company. (Chicago: W. W. Hayne, Lakeside Building.)

that, to a man ambitious of distinction, a seat upon the bench offered little attraction. Accordingly, during that time it was not deemed improper for a judge to accept a political appointment, while retaining his seat upon the bench. Jay, the first Chief Justice, was, without resigning his judicial office, sent as special envoy to England. Oliver Ellsworth, while continuing to act as Chief Justice, was sent as Minister to France. John Marshall was appointed Chief Justice while he was Secretary of State, and for a few weeks performed the duties of both offices. No such union of political and judicial duties would now be tolerated. Nothing has done so much to preserve and strengthen public confidence in the Supreme Court as the fact that the judges confine themselves strictly to their judicial duties. The only decisions which have excited a hostile public sentiment are those like the Dred Scott case, and the Legal Tender cases, in which it was believed the judges were controlled by political opinions.

After the resignation of Ellsworth, John Jay was a second time appointed Chief Justice. In view of what the Supreme Court has been and has done during the past hundred years, it hardly seems possible that Jay should have used the language he did in declining the ap-

pointment:

"I left the Bench perfectly convinced that under a system so defective it would not obtain the energy, weight, and dignity which was essential to its affording due support to the national government; nor acquire the public confidence and respect which, as the last resort of the justice of the nation, it should possess. Hence I am induced to doubt both the propriety and expediency of my returning to the Bench under the present

Such language seems the more surprising when we remember the vigorous manner in which the Federal judges refused to comply with the provisions of an Act of Congress of 1793 making them Commissioners of Pensions, and declared that neither the Legislative nor Executive branches could constitutionally assign to the judiciary any duties but such as were properly judicial, and to be performed in a judicial manner; that the duties assigned were not of that description, and that neither the Secretary of War, nor any other executive officer, nor even the Legislature, were authorized to sit as a Court of Errors.

A decision of the Supreme Court in 1793, in Chisholm's Executors vs. Georgia, that a State could be made a party defendant, in the Supreme Court, at the suit of a private citizen of another State, led to the adoption of the Eleventh Amendment to the Constitution, prohibiting such suits. It is a little singular that in none of the opinions of the judges in that case is the fact alluded to that in "The Federalist" the opinion is expressed that such a suit could not be maintained.

The gravest charge ever brought against the Supreme Court was that the Court was packed for the purpose of reversing the original decision in the Legal Tender cases. By simply arranging the facts in the case in chronological order, Mr. Carson has skilfully exposed the falsity of this charge. (P. 449, note 2.)

The most serious blemish we have discovered in this book is on page 6, where it is stated that the compensation of the judges cannot be increased during their continuance in office.

L. H. BOUTELL.

SOME RECENT MEMORIAL VOLUMES.*

Joseph Neesima was one of the leaders of the great revolution which has recently and with such marvellous rapidity metamorphosed Pagan Japan into Christian Japan, and her hereditary despotism into a free and enlightened government. When a youth, urged by the movings of a spirit which he scarce understood, he escaped from his native country and worked his way to America, where he hoped to gain an education and study the doctrines of Christianity. A kind Providence brought him to the notice of Mr. Alpheus Hardy, a wealthy Christian merchant of Boston, who determined to educate him. Young Neesima passed successively through Phillips Andover Academy, Amherst College, and Andover Theological Seminary. During his stay in America he became deeply imbued with the spirit of Christianity, and his desire became intensified to return to Japan and carry the Gospel to his countrymen. The opportunity came, and

ESSAYS AND MONOGRAPHS by William Francis Allen: A Memorial Volume. With portrait. Madison, Wis: David B. Frankenburger.

WILLIAM HENRY RAY: A Memorial. By Henry W. Thurston. With portrait. Cambridge: The University Press

ROBERT CARTER: His Life and Work, 1807-1889. With portrait. New York: A. D. F. Randolph & Co.

LIFE OF BENJAMIN HARRIS BREWSTER: With Discourses and Addresses. By Eugene Coleman Savidge, M.D. With portrait. Philadelphia: J. B. Lippincott Co.

^{*} Life and Letters of Joseph Hardy Neesima. By Arthur Sherburne Hardy. With portraits. Boston: Houghton, Mifflin & Co.

Austin Phelps: A Memoir. By Elizabeth Stuart Phelps. With portraits, etc. New York: Charles Scribner's Sons.

he seized it eagerly. With a boldness and devotion which can hardly be appreciated now, he went to Kyoto, the centre of Japanese paganism, and there established a Christian university. His labors knew no limitations of space, and missions which soon became influential centres for the extension of Christianity were started in all parts of the country. He met with great opposition, and even persecution; but he never faltered from his purpose, and before he died he had the satisfaction of seeing the new university prosperous and popular, and of knowing that he had made his influence felt throughout the length and breadth of his native land. Professor Hardy's sketch of the life of this interesting character is one of those rare biographies which appeal so strongly to all that is noblest and best in humanity as to utterly disarm criticism. It is the simple, straightforward, intense treatment of a character which was neither brilliant nor remarkable, save for perfect devotion to elevated and unselfish ends. It is mainly made up of Mr. Neesima's letters and extracts from his journal, and is therefore preëminently a life-record. In his own simple and expressive phrase, and with childlike ingenuousness, he reveals the secrets of his inner life and the motives which actuated him. Such glimpses into the depths of a pure and intense personality are not often afforded. Professor Hardy has resisted all temptations to digress, and has focussed every light upon the subject of the sketch, so that his personality stands out on every page.

It would be hard to pay a more beautiful tribute to a great and good man than that contained in the volume which issues from the pen of Elizabeth Stuart Phelps, in commemoration of her father, Professor Austin Phelps. The book is written in a peculiarly graceful style, and is evidently inspired by the deepest love and reverence. The writer has said nothing but good of the dead, because there was nothing else to say. There is a tone of pathos running like a minor chord throughout the book,the result, in part, of the deep and touching heroism of the man who bore so patiently the heavy burden of suffering and disappointment; and, in part, of the great grief of the daughter, whose wound bleeds afresh as she reviews the loved and loving life of which she has been so recently bereft. Such a story of such a life cannot help being a power for good in the world. Professor Phelps was a man of rare ability and devotion to his life's work. As a boy he was precocious and sensitive to an ex-

tent that brought him untold suffering where less refined natures would scarce feel a pain. At the age of twenty he had completed both his collegiate and theological course, and was settled as pastor of the Pine Street Church in Boston. At the end of six years he was called to the chair of Sacred Rhetoric and Homiletics in Andover Seminary, a position which he filled with honor for nearly forty years, until an incurable malady rendered it impossible for him to perform its duties longer. His devotion to his work, and his pure and loving nature, made him both an influential instructor and a valued friend to the young men who came under his care. At home, in the seminary, and in the world, he was always the same courteous gentleman and unselfish friend. His labors were not confined to the lecture-room. In his wide circle of friends no wedding was complete where his tongue did not proclaim the solemn union, no funeral service consolatory where his words of comfort were not heard. He was often called upon to preach in other churches, great and small, far and near, and there were no vacant pews when it was announced that he would fill the pulpit. Besides all this, he found time to write and publish a number of books which have had a wide circulation. "The Still Hour" is his best work. and probably the best-known.

The memorial volume to William Francis Allen, of the Wisconsin University, is mainly devoted to a few of his more important monographs and essays, preceded by a short biographical sketch. Professor Allen was one of the great American educators. He was an indefatigable student, an able and inspiring teacher, and a useful man in church and society. His character was such that his biographer could say of him:

"Like the good Ben Adbem, he loved his fellow-men, and so added to the sum of human joy that 'were everyone to whom he did some loving service to bring a blossom to his grave he would sleep beneath a wilderness of sweet flowers.' He was a type of the coming man, a hint of the day when justice and culture and beauty and reverence shall dwell in their fulness among men."

Professor Allen was a busy man, as the closely-printed bibliography of twenty-eight pages shows: yet he left no extended work as

closely-printed bibliography of twenty-eight pages shows; yet he left no extended work as a memorial of his learning. It is to be deeply regretted that his time was so fully occupied as to preclude the possibility of his doing this. Could the more important results of his long and patient study and research have been recorded in permanent form, they would have been invaluable. The somewhat bulky me-

morial volume contains a number of his essays and monographs, which are written in an easy, graceful style, and exhibit broad scholarship and exact knowledge. His work was largely in historical studies, entering such fields as Greek history and philology, mediæval and modern history, Germanic history, military art, history of religion, politics, etc. His contributions to periodical literature were numerous and valuable. It is said that "The Nation" contained something from his pen in every issue from its fourth up to the time of his death. He was a constant contributor to The DIAL, whose pages contain many clear and discriminating criticisms from his pen. His character is well summed up in these words:

"A man of varied, exact, and broad scholarship. A teacher of creative power and original methods. A wise, sincere, and generous friend. A citizen active and efficient in all movements for education, reform, and philanthropy. A lover of flowers, poetry, and music."

It is seldom that a man dying at the age of thirty leaves behind him so splendid a liferecord as William Henry Ray, whose name is known in educational circles throughout the country, and is almost a household word in the state where the main part of his work was done — Illinois. Born, in 1857, in Vermont, the sturdy strength of character and uncompromising integrity which is the gift of the mountains to their children were his, developed by the stern discipline of poverty. At the age of fifteen, after graduating from the Academy at Norwich, he entered Dartmouth College; but owing to the necessity of paying his way by teaching, he did not finish the course until a year after his class, graduating in 1873. On leaving Dartmouth, he determined to devote his life to teaching. When not quite twenty, he was appointed Principal of McCullom Institute in Mt. Vernon, N. H.; was later Superintendent of Schools in Yonkers, N. Y.; then, leaving his native state, he came west to take the position of Superintendent of Schools and Principal of the High School in Waukegan, Ill., which position he held for two years, when he was chosen Principal of the High School in Hyde Park, Ill. With this school his name is closely associated by those who knew him best in the West. As a teacher, he was almost unique; his work was original and of the very highest character. Though thorough and exacting, he was filled with an irrepressible enthusiasm which soon pervaded his pupils and led them on to the best work of which they were capable. Nor were his efforts confined

to the class-room alone. At his desk, on the playground and street, and in the home, he was the warm friend of each and all of his pupils and manifested in them so deep a personal interest that their confidence in him was unbounded, and they trusted and loved him as an elder brother. His labors were not confined to educational circles. In the church and in society, or wherever he could do a good deed, he labored with a soul devoted to the work in hand. It is of this man that Mr. Henry W. Thurston, who knew him as a friend and who was associated with him as a teacher, has prepared a memorial volume with a loving care that betokens a thorough appreciation of a manly character. The book includes a memorial sketch, with selections from and a bibliography of Mr. Ray's writings, and is altogether a beautiful and valuable work, one to be prized not only by those directly interested in the subject, but also by all who would learn a lesson of cheerful service and noble living. Mr. Ray left behind him no lengthy literary work, but his busy mind, turning rapidly from one subject to another, produced many lectures, addresses and papers, which are worthy of preservation. Among the more noteworthy of his papers are an essay entitled "Russia in Asia," published in "The Atlantic Monthly" for April, 1887; an historical monograph on George Rogers Clark, which embodied much original research; "The Public School and Citizenship," a paper read before the Illinois State Teachers' Association: "The Teacher," a paper read before the students of Beloit (Wis.) College. He was a frequent contributor to educational journals, and appeared often upon the lecture platform in his adopted state. He was altogether a remarkable character; and though his years were few-hardly more than constitute the youth of the average man,-he made an impression on the world which will be lasting, and left a name which is a bright spot in the lives of all who came in contact with him.

The name of Robert Carter is a not unfamiliar one in book-publishing circles on both sides of the Atlantic. The eldest son of a poor Scotch peasant, he early conceived aspirations for a higher and nobler life than his humble surroundings offered. By hard work and earnest study, he gradually prepared himself for a position as teacher; but, becoming discontented with the lack of religious tolerance in his native land, he emigrated to America, where he entered upon his chosen work. After a time, an op-

portunity offered for securing a small stock of books; he purchased them and opened a bookstore, and thus began, in a modest way, the business which eventually developed into a large and influential publishing-house. His life was a remarkable one, from any point of view. His religion was so intense as to enter into all his business and social relations, so pure and spiritual as to consecrate his life to the noblest ends.

Benjamin Harris Brewster is one of the stateliest as well as quaintest figures in American politics. He was a man of many-sided character whose activities reached out into diverse and widely-extended fields. A lawyer of commanding ability and unerring judgment, a politician and statesman, a profound scholar, he was also a prominent figure in social and religious circles. Mr. Brewster was a busy man, and his latest biographer, Dr. Eugene Savidge, has found it difficult to compress his story within the limits of a single volume. In reading the book, there is a feeling of disappointment that the biographer has not given more attention to the man himself and less to the events with which he was connected. Every student of American history, we might say every newspaper reader, is already sufficiently familiar with the "Star Route" and "Guiteau" trials. The public would welcome a more extended and personal analysis of Mr. Brewster's life than that contained in the volume given us by Dr. Savidge.

CHARLES WALLACE FRENCH.

BRIEFS ON NEW BOOKS.

In his translation of Edmond Scherer's "Essays on English Literature" (Scribner), Mr. George Saintsbury frankly informs us that his author in his life-time did not wholly compliment his translator's work; and hence Mr. Saintsbury rather plumes himself on his humorous revenge in presenting the dead critic to an English public. M. Scherer would doubtless be touched by the generosity and yet shiver a little at some details of the process. He would miss the full equivalent of his own "strong, correct, dignified French." The translator tells us that Shakespeare "went back on his works," but M. Scherer said that he returned to them or revised them. The translator speaks of "the impersonality of his [Shakespeare's] theatre," which is good French but bad English for his plays. He speaks of "a too sharp change" in the evolution of the characters, "one, so to speak, effected on the stage," where M. Scherer has "a change too abrupt and, so to speak, too noticeable." He translates entasse "plays with." He treats verve as if it were already English. He uses the word "unbelievable," which had, indeed, Udal's authority in the sixteenth century, but "incredible" is the modern substitute. These are trifles, but vexing trifles. They all appear in a single essay, on comparing it with the original text. Still, substantially the translation is trustworthy, the more so that M. Scherer's own style is somewhat deficient in charm. One reads him for substance. There is not often a fluttering aroma above his sentences which refuses to be caught and conveyed into another tongue. It is what Mr. Saintsbury justly describes as "well-nourished and robust," not delicate and evasive criticism. So he regards it as "particularly well-suited for English reading at the present day." He does not say for American reading. Our native wits are nimbler, and less patient, perhaps, with sensible common-places. If the phrase may be suffered, they have "been there" before. M. Scherer's essays in this volume are at first a little disappointing. They touch with appreciation important works and men, but have little fresh light to throw upon Shakespeare or Milton, Sterne or Wordsworth, George Eliot or Thomas Carlyle. There is not much that strikes one in them, save that a Frenchman should know his English so well. They are sober verdicts. There is no effort after brilliancy nor success in attaining it. A finer master, while no more seeking it, had oftener happened upon it. His form and color would have been as just and true, but now and then his lights had sparkled and his color been warmed to a richer glow. Such graces M. Scherer habitually neglected. His taste was austere. He complains, in an essay not included in this volume, that "the distinctive note of modern art is exaggeration," that we are "fallen on the days of Alexandria and Byzantium after Athens. It is Lucan after Virgil; Juvenal, not to say Martial and Petronius, after Horace." He praises, in a paper on M. Greard, his future biographer, the qualities he himself possessed, "the mutual interpenetration of character and talent; not a word for effect; all well thought and well said; everywhere moderation, justice, propriety; writing marked by sound sense and extreme fitness of phrase; thought too serious for shouting and frolicking, too just and subtle not to ensure a fine expression; the sentiment restrained and the conviction firm." The worth of M. Scherer's studies to the American reader lies less in their contents than in their method. They are admirable examples of appreciative criticism. Their author is not flashing prisms, nor touching off pinwheels. He is endeavoring to throw colorless light. He loves to be reasonable, and even ventures on occasion to be dull.

To most readers of to-day, Leigh Hunt is a remote classic, unfamiliar as Arbuthnot or Steele. Hence anything that recalls him to the memory of older readers, or introduces him to the acquaintance of younger ones, in our clumsier and duller days, is

welcome and worth while; and Mr. Charles Kent, in his recently published "Leigh Hunt as Poet and Essayist" (Warne), deserves our gratitude. Already a quarter of a century since, the fourth edition of Bartlett's "Familiar Quotations" contained but two extracts from Hunt's voluminous writings-not very living then, and certainly quite dead and gone now. To-day, "Jenny kissed me when we met," "Write me as one that loves his fellow men," and the phrase that Lord Beaconsfield did not disdain to borrow, "The critic is often an unsuccessful author," would perhaps replace them in public memory. Leigh Hunt lacked the compact pith of style which turns naturally to epigrams and weights single lines with intensity of meaning. Some writers concentrate light like the diamond; others diffuse it on all sides like the sun. One cannot easily offer samples of the sunshine; yet it is warm to bask in, all the same, and there is often a lingering after-glow. Perhaps Leigh Hunt's charm is a little faded to-day. His "easy delightfulness" is hardly susceptible of revival. There are many pleasant pages, however, in Mr. Kent's book, and much delicate and thoughtful criticism. And the man himself was a poem,not an epic nor a tragedy, but a sonnet, a rondeau, a villanelle. He was a factor in the literary renascence of the Victorian period. His verse awakened Byron's muse. Keats dedicated to him his earliest volume. He stood as the nearest friend beside Shelley's funeral pyre. He supped with Lamb and dined with Haydon, and was in close association with Hazlitt. He drew the fire of Lockhart and Gifford and Kit North, and went on singing. Dickens caricatured him on the same page with Savage Landor, but pronounced him "the very soul of truth and honor." Carlyle, with small tolerance for minor poets, detected Leigh Hunt's "brilliant varied gifts and childlike open character." Hunt was first to prick pinholes in that magnificent inflation, that "Adonis of fifty," George Prince Regent, and won the honor of being among the last Martyrs of the Freedom of the Press in England. He paid his penalty by making a rosy paradise out of Newgate Prison, singing there with full-throated mirth like a linnet in a cage, chirping and fluttering his wings with such incongruous guests to perch beside him as Jeremy Bentham, Mary Lamb, Lord Brougham, and Tom Moore. He lived long and was loved well. He wrote essays and novels, plays, poems, and criticism, each clever of its kind and successful in its time. He told his own story in a cheerful autobiography, which, a little rashly perhaps, his editor would place beside Lockhart's Scott and even Boswell's Johnson. He was whimsical, freakish, sparkling, genial, careless with "a sweet neglect" more taking "than all the adulteries of art."

In his recently-published life of Admiral Rodney (Macmillan's "Men of Action"), Mr. David Hannay has not been able to make Rodney an interesting character. He tries very hard to show that his "man of action" was no worse than the average

gentleman of that day, and makes his point good. But that is rather a melancholy sort of vindication. Rodney was a good sailor and a good fighter, and there the matter ends. He was satisfied to be a place-man in the House of Commons at the price of the usual amount of flunkeyism to a patron, and to hold for six years the governorship of Greenwich Hospital with his back turned on all the monstrous abuses of its management. He was not the man to wish to reform anything -even the extravagant habits which made him run away from his creditors, and which once turned the "Admiral of the White" into an auctioneer of plunder. But his career is interesting to Americans as that of one who esteemed our forefathers piratical rebels, and who gave a good many hard thumps to our allies the French. It is also of large importance as a part of the history of the English navy, and Mr. Hannay has handled his subject with this larger interest ever in view. We get suggestive glimpses of the conditions under which trade was carried on in the eighteenth century; of the continuous naval warfare in both the Indies which filled that century, spite of treaties of peace; of the press-gang system, and of the beef-bread-and-beer fare which preceded grog and anti-scorbutics. But best of all, we get a most satisfactory explanation of the why and wherefore of naval warfare which the ordinary histories do not afford. In them, from Green's one hundred pages to Lecky's eight volumes, the eighteenth century fighter at sea merely "marched up hill and then marched down again." Here we learn why. "in the old sailing days," an antagonist of England could not get out of the English Channel without following the Armada around Scotland; why the Lesser Antilles were the gates of the West Indies, and what their strategic value was in our Revolutionary period; why the English navy could outfight the French; why "breaking the line" in the great battle off Dominica in 1782 revolutionized the methods of naval warfare sanctioned by a century of custom, and led to the victories of Nelson. We cannot agree with the biographer that Rodney was justified in his passion, when in an earlier engagement he tried this new manœuvre and was foiled by his captains not following. They could hardly be expected to understand a signal which for a century had meant something very different. A Nelson or a Farragut would have posted them beforehand. Rodney does not belong in the first rank. Nor is Mr. Hannay right in saying that the "line-of-battle" formation came in with the Revolution of 1688. James of York introduced it in 1665, and Monk's victories were won by it.

WE welcome a third edition of Mahaffy's "Greek Classical Literature" (Macmillan), not because it contains much that is new, nor because it is to be implicitly trusted as a guide, but because the author always knows how to invest whatever he writes with a certain interest which stimulates thought in the reader. This may be illustrated here by his strik-

ing but probably fallacious comparison between the Greek satyric play and the English pantomime. Mahaffy's distinction is that of the brilliant writer, the man of original ideas, rather than that of the patient recorder of the results of investigation. Unfortunately, no one can now do original work along the whole line of ancient Greek life and literature, and our author has not even kept fully abreast of the recent investigations in special lines. He is in conflict with many of the best scholars in thinking, with Paley, that our present Homeric text is "not older than the age of Perikles" (a name which Mahaffy, inconsistently, also spells Pericles), as well as in his estimate of Pindar. In treating of dramatic competitions, the antiquated notion is still retained that the tripod was the prize of the drama; whereas it belonged to the dithyramb, which has been shown, as is here virtually admitted, to have no connection with the drama. It seems rash to assert that tragedy "was perfected by a single genius" (Æschylus); for, though Aristotle does not mention Thespis, in regard to whom Mahaffy says, "All our authorities are agreed that he was really the originator of this kind of poetry," yet more credit ought surely to be given to Phrynichus, who served as a model to Æschylus as well as to the later tragedians. In his appreciation of Euripides, we find our author more in harmony with recent criticism. Touching this poet, indeed, he abandons the traditional English view, to take up with that of the Germans, whom he repeatedly ridicules but as repeatedly follows. He assigns to the Alcestis a very definite place, making it a kind of substitute for the satyric play of the tetralogy, and calling it a melodrama, or tragedy with comic elements. Thus he makes Euripides realize in himself what, we are flippantly told, "Plato hazards as a mere drunken fancy," namely, the compatibility of tragic and comic genius blended in one poet, as it is in Shakespeare. No "curious and very comic dialogue is, however, interrupted by the entrance of Heracles," as Mahaffy asserts, for the entrance of Heracles comes immediately after an ode sung by the chorus. The two volumes of the present edition correspond to Volume I. of the edition issued by the Harpers in 1885, and the amount of new matter is less than might appear from the difference in form. After § 50, several new paragraphs have been inserted, on the Homeric discussion; Appendix B, on the date of the Odyssey, has been given its place in the body of the work; perhaps a dozen new notes have been added, and as many bibliographical references to recent works; the introductory paragraph (§ 160) on the drama has been rewritten; and a fragment of the Antiope of Euripides (identified by Mahaffy) is cited. Beyond this there has been nothing that could be called revision.

At the Lowell Institute, Boston, in 1890, Professor Barrett Wendell of Harvard gave eight lectures on the elements and qualities of literary style. They are now published by Messrs. Scribner's Sons

under the title of "English Composition." Notwithstanding a few obscurities in sentence structure. the treatise as a whole is admirably clear and explicit. It will impart few new facts and perhaps no new precepts. Indeed, the author would discountenance anything like a rigid adherence to precepts. To him, as to all who have risen to a worthy conception of the province of rhetoric, there is in it no question of absolute right or wrong, only a question of better or worse. That in matters of style the author should sometimes admit the worse when it would be easy to find the better, can occasion no surprise. Such criticism may be passed on any man and any book. Only here the temptation to pass it is greater than usual. It is the peculiar misfortune of him who ventures to write upon the art of writing, to find his own tests applied most rigorously to his own work. To be more specific, we do not like, for instance, Professor Wendell's trick of reiteration. Sometimes it is a favorite word, as "subtile," that becomes obtrusive; sometimes, a cunningly-wrought phrase, as "the eternally immaterial reality of thought and feeling"; more frequently it is some principle which he desires to impress. In the last-named case, repetition and insistence are distasteful alike to the teacher, who does not need them, and to the student, who may feel that his intelligence is underrated. It is a hammering-in method of procedure that smacks overmuch of the routine pedagogue. But such faults as these, which after all are unessential, may be pardoned for the lively charm and substantial worth of the lectures themselves. The book is not a text-book. The ordinary rhetorical treatise, with its intricate divisions and subdivisions of the subject, is here simplified and unified, and is presented in such a way as to attract the general reader as well as the specialist. Whoever has occasion to use the pen will find here-something more than the proverbial pleasure and profit - a keen delight and a wholesome inspiration.

In "Theodoric the Goth" (Putnam's "Heroes of the Nations"), Mr. Thomas Hodgkin has introduced, with slight exceptions, no materials with which the readers of his monumental work on "Italy and her Invaders" have not already become familiar. The only additions are a brief account of the re-conquest of Italy by the generals of Justinian, and a final chapter on "The Theodoric of Saga." But in re-writing, in half its original size and under a new title, his "Ostrogothic Invasion," Mr. Hodgkin has given us one of the best monographs in the English language. While the careful scholarship of the original work is reproduced here in a beautiful and handy volume, there is a proportionate and artistic treatment which the larger work lacks. The great German who so thoroughly assimilated the civilitas of Rome is the unifying as well as the distributing principle of the whole book, and he has been happy in the fate which made him wait so long for a biographer. The character and aims of Theodoric, the decaying empire, the official life of the Romans, the political bearings of Arianism, the work of Cassiodorus and of Belisarius, are all delineated in chapters superior to any that Mr. Hodgkin has previously written. The life of Theodoric has been finally written in English. Only once or twice do we question the narrative. The judgment on Theodoric is too lenient in the matter of the ruin of Boethius, and there is too much conjectural identification of a corslet unearthed at Ravenna in 1854 as that of Theodoric. The illustrations adorn the book, and the maps are generally excellent. We wonder, however, that so accurate a historian should print Rome and Carthage and Constantinople on fifth century maps, especially since he once prints Constantinopolis. Alaric is printed for Attila on page 24, and the battle of Tolbiac is given on page 189 as 486 A.D. instead of 496. The final chapter is condensed from the Wilkina-Saga, and is a fitting finish to so fine a piece of work.

THE "Latest Literary Essays and Addresses" of the late Mr. Lowell (Houghton) add a seventh volume to the prose writings of our great scholar and poet, and give us a new portrait as frontispiece. The volume includes the essay on Gray, which we wondered not to find in the earlier volumes; the paper on Landor, written for the "Century" magazine; that on Walton, written for a recent edition of the first of piscatorial classics; a wise and suggestive essay on "The Progress of the World, being the introduction to a work upon that subject; a short study of Milton's "Areopagitica," which we recommend to Miss Agnes Repplier especially, and to others generally; the address given before the Modern Language Association in 1889; and a graceful essay on Shakespeare's "Richard III.," dated 1883, and stated to have been read before the Edinburgh Philosophical Association. It was probably not worth while to mention the fact that this essay was also read before a Chicago audience in 1887; such mention might have aroused humiliating memories of the way in which essay and reader were received upon that occasion. Some things are best forgotten, as far as it is possible to forget them. This volume is, of course, a distinct and lasting addition to our literature, although but one of the essays, the "Gray," can quite take rank with those other studies of English poets which account for so large a share of Mr. Lowell's fame. But Mr. Lowell's scraps are weightier than the "works" of other men, and there is no page of this collection that is not precious.

A REVISED second edition of Mr. W. J. Loftie's exhaustive historical and descriptive volume on "Westminster Abbey" is issued by Messrs. Macmillan & Co. The work is profusely illustrated with woodcuts after old prints, photographic reproductions of notable tombs and monuments, and with forty-two engravings from H. Railton's charming

and artistic pen-drawings. Mr. Loftie's book is not written from the usual emotional standpoint. Instead of a record of the feelings stirred within him by the literary and historical associations of the venerable pile, he gives us what is more to the purpose - a concise, full account of the growth of the Abbey from its rudimentary germ, and a detailed description of its divisions and precincts. The author's critical judgment is quite unclouded by his patriotism. In the chapters on the monuments and epitaphs, he delivers himself in a way that reminds one of the unsparing frankness of Matthew Arnold. Of the sculpture he says: "There are some fifty portrait statues in the church, and upwards of sixty recumbent effigies, and of all that immense number it would be safe to say that not more than a tithe is worthy of the situation. . . . No theory that I am acquainted with will account for the number and completeness of the failures." As to the epitaphs, Mr. Loftie is no less severe: "It is a curious fact that though the church contains the inscribed tombs of many generations of Englishmen eminent in politics, war, literature, religion, and the arts, the number of the epitaphs worth repeating for their own sakes does not exceed half a dozen." The volume is evidently the fruit of scholarly research and carefully-weighed conclusion, and it merits close perusal.

MR. HENRY CABOT LODGE'S volume on "Boston" follows Mr. Roosevelt's "New York" in the series of "Historic Towns" (Longmans). Mr. Lodge has used the abundant material contained in the "Memorial History of Boston," and has supplemented it by the recently published diary of Judge Sewall and by the results of his own studies in the Colonial and Federalist periods. The result is a very good account of Boston, tracing its history from the beginning to the present, and describing briefly the various features of its life at different epochs. Emphasis is laid upon the Puritan characteristics of the town, which still survive, not only in the public spirit of the people and their devotion to reform, but also in their love of respectability and their mild intolerance of differences of opinion - an intolerance of which Mr. Lodge has had some experience in the course of his political career. The book is generally accurate, and will be useful to those who desire a history of Boston that is at once brief, clear, and interesting.

Prof. Jameson's "History of Historical Writing in America" (Houghton) is a very readable little book of 160 pages, containing four lectures by the author on the subject indicated by the title. The first lecture presents the historians of the seventeenth century, the second those of the eighteenth, the third leads up to the Civil War, and the fourth treats of the historical writers since the Civil War. The book is issued in neat form, and is an excellent guide for anyone desiring to collect a library on American history.

TOPICS IN LEADING PERIODICALS.

January, 1892.

Allston, Washington, Correspondence of. Scribner. Aluminium. (Illus.) J. W. Richards. Cosmopolitan. Austro-Hungarian Capitals. (Ilus.) W. Singer. I Ballot, The Secret. J. B. Bishop. Forum. Bayreuth Revisited. H. E. Krehbiel. Scribner. Birds and "Birds." Edith M. Thomas. Atlantic. W. Singer. Harper. Bokhara, (Illus.) Henry Lansdell, Scriber.
Books of the Year, The Best. North American.
Boston. Ralph Waldo Emerson. Atlantic.
Boxing. D. L. Dawson. Lippincott.
Brazil and its late Crisis. Courtenay De Kalb. Forum. Brazil and its late Crisis. Courtenay De Kalb. Forum.
British Columbia. (Illus.) Julian Ralph. Harper.
Brussels Treaty. Lambert Tree. Forum.
Burr's Conspiracy and Trial. W. S. Drysdale. Harper.
College Girls. Annie P. Call. Atlantic.
Columbus Portraits. (Illus.) W. E. Curtis. Cosmopolitan.
Comédie Française. (Illus.) W. F. Apthorp. Scribner.
Constitutional Studies, Recent. J. O. Pierce. Dial.
Crime and Law. Frederick Smyth. Scribner.
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